

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

TELEXFREE, INC., TELEXFREE, LLC,  
JAMES M. MERRILL, CARLOS N.  
WANZELER, STEVEN M.LABRIOLA,  
JOSEPH H. CRAFT, SANDERLEY  
RODRIGUES DE VASCONCELOS,  
SANTIAGO DE LA ROSA, RANDY N.  
CROSBY, and FAITH R. SLOAN,

Defendants,

and

TELEXFREE FINANCIAL, INC,  
TELEXELECTRIC, LLP and TELEX  
MOBILE HOLDINGS, INC.,

Relief Defendants.

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Case No. 14-cv-11858-NMG

DEFENDANT FAITH R. SLOAN'S VERIFIED MOTION FOR LEAVE  
TO FILE A RESPONSE TO PLAINTIFF'S AMENDED COMPLAINT  
AND THE PRELIMINARY INJUNCTION ENTERED BY THE COURT  
ON MAY 8, 2014 BEYOND THE TIME LIMITED BY DOCUMENT 121

The Defendant, Faith R. Sloan ("Sloan"), hereby moves for leave to file a pleading in response to Plaintiff's Amended Complaint and the Preliminary Injunction entered by the Court on May 8, 2014 (Document 88) on or before June 29, 2014.

In support of her motion, the Defendant, Sloan, says that she did not have actual notice of the filing of Plaintiff's Complaint until Tuesday, May 27, 2014, when a copy thereof was e-

mailed to her attorney by counsel to the Plaintiff. Her attorney subsequently received a copy of Plaintiff's Amended Complaint on May 28, 2014.

Although the Plaintiff has alleged in the Third Declaration of Scott Stanely, Esq. filed with this Court on April 24, 2014 as Document No. 48-5 that he had spoken with Sloan on April 17, 2014, told her that she had been named as a Defendant in the above-entitled matter and that he had "walked (Sloan) through the SEC website and to the location of the press release and Complaint", the fact is that neither the aforesaid Complaint, nor the Temporary Restraining Order entered by this Court on April 16, 2014 as Document 13, nor the Preliminary Injunction entered by this Court on May 8, 2014 as Document 88 were served on the Defendant, Sloan until May 27, 2014.

In support of her motion, Sloan has annexed hereto an invoice of LaSalle Process Servers, L.P. dated May 13, 2014 provided to her attorney by the Plaintiff on May 27, 2014, which indicates that Barry A. Savage, the process server, had attempted to serve Sloan unsuccessfully in Granger, Indiana, where she resides. Having failed to do so, he purported to serve Sloan by serving Antoinette Sloan, Sloan's "Mom", in Dolton, Illinois on May 6, 2014. See Document 121 filed on May 20, 2014 and the description near the bottom of Page 3. Sloan is 54 years old and does not fit the description of Sloan's "Mom". The Court will note that the Process Server served Sloan's Mom with the "Summons, Order Continuing TRO, TRO and Complaint". He did not serve a copy of the Preliminary Injunction on Sloan's Mom on May 6, 2014, because that injunction was not entered until two days later, after the TRO had expired. See Documents 83 and 88.

The first notice that Sloan received of the proceedings in the above-entitled matter was

a phone call the assistant to Sloan's attorney received on May 23, 2014 after the office had been closed (she had been working late). The Plaintiff then sent an e-mail to Sloan's attorney dated May 23, 2014 at 5:05 p.m with a copy of the Preliminary Injunction (Document 88) annexed. Sloan did not receive a copy of Plaintiff's Amended Complaint until May 28, 2014.

We have been unable to file this motion with the Court, because we did not receive the password to do so until June 2, 2014.

WHEREFORE, Sloan moves for leave to file a response to the aforesaid Complaint and the Preliminary Injunction (Document 88) until June 29, 2014.

Dated: June 2, 2014

Respectfully submitted,

FAITH R. SLOAN

By her attorney,

/s/ C. Peter R. Gossels  
C. Peter R. Gossels  
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I, Faith R. Sloan, hereby say under the penalties of perjury that I have read the foregoing Verified Motion for Leave to File a Response to Plaintiff's Amended Complaint and the Preliminary Injunction Entered by the Court on May 8, 2014 Beyond the Time Limited by Document 121 and that the facts set forth therein are true.

June 2, 2014

/s/ Faith R. Sloan

Faith R. Sloan

CERTIFICATE OF SERVICE

I, C. Peter R. Gossels, hereby certify that on June 2, 2014, this document (filed through the ECF system) will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ C. Peter R. Gossels  
C. Peter R. Gossels